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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1406th MEETING

Held at Headquarters, New York,
on Tuesday, 28 July 1992, at 10 a.m.

Chairman: Mr. LOHIA (Papua New Guinea)

- Requests for Hearing
- Question of East Timor (continued)
- Question of Gibraltar
- Question of New Caledonia

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The meeting was called to order at 10.40 a.m.

REQUESTS FOR HEARING

The CHAIRMAN: I wish to draw the attention of members to requests for hearing relating to East Timor, New Caldeonia, Puerto Rico and activities of foreign economic and other interests. These requests have been circulated in aides-mémoire 10/92/Add.2, 11/92/Add.1, 14/92 and 16/92.

We shall first take up the requests for hearing relating to East Timor, contained in aide-mémoire 10/92/Add.2.

I call on the representative of Indonesia.

Mr. JENIE (Indonesia): My delegation again voices its strong objection to admitting additional petitioners to speak about the so-called question of East Timor in this forum, for the same reasons as we gave in our earlier statements regarding this matter.

The CHAIRMAN: The reservations expressed by the representative of Indonesia will be reflected in the record of the meeting.

On that understanding, and if there are no further comments, may I take it that the Committee agrees to accede to these requests?

It was so decided.

The CHAIRMAN: We shall next take up the requests for hearing relating to New Caledonia, contained in aide-mémoire 11/92/Add.1. If there is no objection I shall take it that the Committee agrees to accede to these requests.

It was so decided.

The CHAIRMAN: We shall next take up the requests for hearing relating to Puerto Rico, contained in aide-mémoire 14/92. If there is no

(The Chairman)

objection I shall take it that the Committee agrees to accede to these requests.

It was so decided.

The CHAIRMAN: We shall next take up the request for hearing relating to the activities of foreign economic and other interests, contained in aide-mémoire 16/92. If there is no objection I shall take it that the Committee agrees to accede to this request.

It was so decided.

QUESTION OF EAST TIMOR (A/AC.109/1115 and 1126) (continued)

The CHAIRMAN: I wish to inform members that I have received a request from the delegation of the Republic of Vanuatu to be permitted to take part in the proceedings relating to East Timor. In conformity with established practice, and if I hear no objection, I shall invite the delegation of the Republic of Vanuatu to take a place at the Committee table.

At the invitation of the Chairman, Mr. Van Lierop (Vanuatu) and the members of his delegation took a place at the Committee table.

At the invitation of the Chairman, Mr. Jose Luis Guterres (FRETILIN) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Guterres.

Mr. GUTERRES (interpretation from Spanish): I should like at the outset to clarify a reference in paragraph 31 of document A/AC.109/1115, in which Mr. Xanana Gusmao is described as the leader of FRETILIN. Mr. Gusmao is not in fact the leader of FRETILIN but is, rather, the leader of the National Council of Maubere Resistance.

(Mr. Guterres)

The presidency of FRETILIN is currently held by a Directorate, headed by its First Secretary, Mr. Mau Hunu, who is now in East Timor.

On behalf of FRETILIN I thank the Committee for the opportunity to address it.

In 1962 the General Assembly took up for the first time the question of Territories under Portuguese administration. With the birth of democracy in Portugal, the Portuguese Government, in a memorandum sent to the Secretary-General on 3 August 1974 (A/9694) recognized its obligations under Chapter XI of the Charter, including the obligation to cooperate fully with the United Nations in the implementation of the Declaration on the right to independence of colonial peoples. Moreover, the Portuguese Government recognized the right of self-determination and independence for all overseas Territories under its administration. The best illustration of the seriousness of its intent is the presence of the Portuguese-speaking African nations in the United Nations as Members.

In the case of East Timor, Portugal's young democracy was unable to complete the process of decolonization because of Indonesia's interference and its military invasion on 7 December 1975.

In the General Assembly last year, Nelson Mandela, President of the African National Congress (ANC), described East Timor, Afghanistan and Western Sahara as problems to be resolved by the international community. My organization feels honoured by that reference, especially as it was made by an illustrious son of Africa and of the third world, a heroic fighter against the repressive system of apartheid in South Africa, a country against which the whole world, North and South, has long applied economic sanctions.

(Mr. Guterres)

We also welcome the recent stance taken by the European Community with regard to its agreements with the Association of South-East Asian Nations (ASEAN). In particular, we congratulate the Government of Portugal, East Timor's administering Power, on the firmness and determination it showed during the meeting of the European Community's General Affairs Council last week at Brussels.

We regard as particularly important the suspension of military training aid to Indonesia by the Congress of the United States as a way of persuading Indonesia to promote the right to self-determination of the people of East Timor.

Last August the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, meeting at Geneva, approved a statement by the Chairman calling for improvement in the human-rights situation in East Timor. Just three months later Indonesia perpetrated the Santa Cruz massacre. Indonesian soldiers in military uniform, in formation and under the command of their superior officers, killed dozens of young people participating in a peaceful religious procession. That criminal act of unprecedented cowardice triggered condemnation of Indonesia both internationally and within the country.

In February of this year, in the Commission on Human Rights, 30 countries from various continents, North and South, sponsored a draft resolution on the subject but later withdrew it as a demonstration of good will in order to guarantee a consensus statement. However, Indonesia ignored that good will. General Try Sutrisno declared that people such as those involved had to be crushed, and more recently General Theo Syafei told the weekly magazine Editor that if events similar to those of 12 November had taken place while he was in charge, the number of victims would probably have been larger.

(Mr. Guterres)

Every time an Indonesian general makes a statement, another appears with even more radical, fanatical and profound militaristic statements. What they all have in common, however, is a culture of violence and dictatorship.

It is also a serious matter that in judging the peaceful participants in the events of 12 November and those responsible for the Santa Cruz massacre, Indonesia's judicial system imposed far longer sentences on victims than on the perpetrators.

Here I wish to recall that the General Assembly has repeatedly reaffirmed that it recognizes the legitimacy of the struggle waged by peoples under colonial and foreign domination to exercise the right to self-determination and independence, using every means at their disposal. With regard to the specific case of the people of East Timor, General Assembly resolution 32/34 of 1977 clearly recognizes that right.

The General Assembly has also affirmed the principle that all freedom fighters who become prisoners of war shall be treated in accordance with the provisions of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949. In that connection, in December 1973 it adopted resolution 3103 (XXVIII) setting out basic principles of the legal status of the combatants struggling against colonial and alien domination and racist regimes.

We therefore call upon Indonesia to treat prisoners humanely, as we have treated Indonesian prisoners of war. We also demand that Indonesia should hand over to family members the remains of all the martyrs of 12 November and end the banishment of young people from the capital to Viqueque, Natarbora and Lospalos.

(Mr. Guterres)

Despite the terrorism unleashed in the killing of civilians at the Santa Cruz cemetery, my organization assures the more than 60,000 Indonesian civilians in East Timor that the target of the armed resistance is still the military, and the military alone. We reject terrorism.

The report prepared for the recent Australian Conference of Catholic Bishops referred to the malnutrition afflicting Timorese children and the fact that job opportunities for Timorese are growing more and more scarce. The low living standards, added to the lack of fundamental freedoms and to repression, are turning this very small Territory into a vast cemetery and perhaps the largest prison on earth, and departures from that prison are as tightly controlled as are visits from outside.

(Mr. Guterres)

A typical example of that was the fact that in April, United States Senator Claiborne Pell, Chairman of the Senate Foreign Relations Committee, and Senator David Boren, Chairman of the Senate Select Committee on Intelligence, were denied entry by the occupying country, Indonesia, when they wanted to visit East Timor. Our experience has shown that when the visits of high-ranking dignitaries are not permitted, the ongoing repression will be intensified and the economic situation of the Timorese people will grow worse.

We appeal to the United Nations system to implement paragraph 3 of resolution 37/30, dated 28 November 1982, dealing with East Timor, which requests all specialized agencies and other organizations of the United Nations system, in particular the World Food Programme, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Refugees immediately to assist, within their respective fields of competence, the people of East Timor, in close consultation with Portugal, as the administering Power.

The policy of FRETILIN regarding the area defined on 16 September 1975 has not changed. We continue to seek membership in the Association of South-East Asian Nations (ASEAN). We have repeatedly stressed our desire to promote stability in the region. With respect to a political solution to the question of East Timor, the Convergencia Nacionalista, the political arm of the Timorese Democatic Union (UDT), and FRETILIN, the majority parties of East Timor, support the completion of decolonization by the administering Power and support negotiations without preconditions and with the participation of the people of East Timor as announced by Portugal. We fail to understand why Indonesia does not agree to negotiations with the participation of the Timorese when, in 1983, FRETILIN and the high command of the struggle, led by Xanana Gusmao, negotiated directly with the Indonesians and brought about a

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three-month cease-fire throughout the Territory.

Resolution 3485 (XXX) made clear the identity of those involved in the political process in East Timor when, in paragraph 2, it requested the administering Power to make every effort to find a solution by peaceful means through talks between the Government of Portugal and the political parties representing the people of Portuguese Timor. The Convergencia Nacionalista assures one and all that it will abide fully by the decision of the people in the context of a referendum to be organized and supervised by the United Nations.

The petitioner withdrew.

The CHAIRMAN: I wish to thank the petitioner for providing a correction to the working paper on East Timor. The Secretariat will take appropriate action.

At the invitation of the Chairman, Mr. Ken Simons (War Resisters International) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Simons.

Mr. SIMONS (War Resisters International): I am very grateful for the opportunity to address this Committee on behalf of War Resisters International. War Resisters International registers its protest against the sentences imposed upon Gregorio da Cunha Saldana, sentenced to life on 30 June, Francisco Miranda Branco, sentenced to 15 years on 23 June, and many other leaders of the non-violent resistance to Indonesian military rule in East Timor. The severity of these sentences reflects the Indonesian Government's uncompromising attitude when faced with a non-violent resistance movement in East Timor.

Since the mid-1980s the East Timorese armed resistance has been largely irrelevant, owing to the massive numerical superiority of the Indonesian

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forces and to the systematic genocide which accompanied the counter-insurgency campaign from 1975 on. Measures against the non-violent movement have escalated markedly since the visit of Pope John Paul II in 1989, when the worst the opposition had to fear were beatings and relatively short prison sentences. This escalation culminated in the Santa Cruz massacre on 12 November 1991, after which, as we have seen, survivors of the attack, such as Gregorio da Cunha and Francisco Miranda Branco, were themselves arrested, interrogated and sentenced to long prison terms.

Remarkably, however, demonstrations do go on in Timor. Flag-waving has become a potent symbolic form of protest, although even this can invite arrest for "expressing hostility to the Indonesian Government", a charge which, as I just learned from the testimony of Amnesty International yesterday, carries a sentence not of 3 years but of up to 10 years.

Demonstrators are often very young. Many boys in East Timor have stopped attending school because, merely for going outside, they can arbitrarily be picked up as "FRETILIN sympathizers". The Indonesian occupation authorities are clearly frightened by the refusal of the East Timorese to submit to force and are unsettled by the population's persistence in following tactics of non-violent resistance.

In conclusion, War Resisters International calls on the international community, through the United Nations Committee on decolonization, to assist the East Timorese in the non-violent resolution of their long and painful struggle for self-determination. I would like to add, as other speakers have done before me, that we urgently request that Amos Wako's report should be released.

The petitioner withdrew.

The CHAIRMAN: We have thus concluded the hearings on this item. On behalf of the Committee and on my own behalf, I wish to express the Committee's appreciation to the petitioners for their statements and for the information they have furnished to the Committee. I now call on the representative of Portugal.

Mr. QUARTIN-SANTOS (Portugal): Since the Committee took up the question of East Timor on 8 August of last year, there have been dramatic developments that have attracted an unprecedented level of world-wide attention to that small Territory and to the plight of its people, constituting, moreover, a turning-point in the international perception of the problem as a whole.

When we addressed this matter, Indonesia and Portugal had just approved the tentative agreement reached during the talks that had been held under the auspices of the Secretary-General since May 1989 concerning the terms of reference of a proposed visit by a Portuguese parliamentary delegation to East Timor, whose aim was to obtain first-hand information about the situation prevailing there. Freedom of movement and contacts were embodied in the agreement as essential requisites for the attainment of that purpose. The two parties then tackled the delicate practical aspects involved in such a visit. It was not, however, possible to proceed with it. Since the reasons that led to the suspension of the visit are already known, having been stated in the press releases issued by the Permanent Mission of Portugal to the United Nations on 31 October and 21 November 1991, I shall not elaborate on this subject any further. We believe that it would be pointless to labour this point before the Special Committee.

(Mr. Quartin-Santos, Portugal)

It is sufficient to say that, however relative it will always be, in any place or circumstance, due to the very nature of the human mind, the objectivity of an observation of this kind will stem from plurality and freedom, not from limitation and suppression. Only those who need to conceal and dissimulate impose bans and barriers. There is no need to demonstrate the inconsistency of those who proclaim that all but a handful of renegades are on their side yet systematically intimidate and threaten with deadly reprisals all those who might dare to speak out.

It now seems clear to us that the repressive and intimidating atmosphere with which the proposed visit by Portuguese members of Parliament had been "prepared" was to a large extent responsible for the tragic chain of events that began in Dili in late October 1991, with the Motael incident, culminating in the vile massacre of civilians at Santa Cruz cemetery by the Indonesian military on 12 November.

Beyond the circumstances surrounding the latter event and the controversy over certain of its aspects, the simple fact that such a massacre occurred in itself gives one of the most striking lessons we can learn. Only a Power totally unsure of the people's feelings towards it could feel the need to repress them so barbarically, victimizing many women and children, stabbing and beating those wounded by the volleys of bullets already mercilessly fired at them. Only a Power that is accustomed to treating a people as inferior and resorting to ruthless methods of repression could treat people so cruelly. Moreover, it buried the victims in common graves, without identifying them or handing over the corpses to their mourning families.

The first reactions of the highest military authorities, such as General Try Sutrisno, Commander-in-Chief of the Armed Forces, were quite eloquent in

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this regard. "Delinquents" such as those "agitators" had to be shot, and the Indonesian Army would shoot them. These were people that "must be crushed" and who "will end up being liquidated". General Pansaijan was of the opinion that the killings showed the need to upgrade military operations in the Territory.

But when confronted by the unprecedented and unexpected international reaction, prompted by eyewitness accounts, such as those of the American journalists Allan Nairn and Amy Goodman, who were severely beaten by the military on the spot, and by Max Stahl's film footage of the massacre, which was shown on television, the Indonesian authorities expressed regret at the deaths and promised to investigate the carnage. This was considered as an "isolated incident", not ordered by the Government and a product of "provocative" action on the part of the demonstrators.

The death toll was put at 19, though all available testimony indicated, almost unanimously, that the total figure was much higher - around 100. The witnesses also stated categorically that the soldiers had started firing in a cold and disciplined manner, without provocation or warning. Condolences were conveyed to the East Timorese, and a "National Commission of Inquiry" was set up to carry out the investigation, to be followed later by a "Military Honour Council", to inquire into the military action. But all calls for an investigation to be held under the auspices of an internationally recognized body were ignored. I will return to that point later in this statement.

I should now like to focus attention on the fact that the tragic episode of Santa Cruz and its aftermath highlighted for world public opinion the persistence of the unresolved question of East Timor and the stubborn resistance of large segments of its people - especially youngsters - against

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the systematic disregard of their fundamental rights after 16 years of illegal occupation by Indonesia of that Non-Self-Governing Territory. The passing of time, silence and repression have not consolidated the "status quo" imposed on the East Timorese, but seem instead to have reinforced their determination to struggle for their rights and to put an end to an anachronistic situation, which can no longer be ignored by the international community. After Santa Cruz, one cannot pretend to ignore the reality in East Timor and the pressing need to settle this unfinished decolonization issue.

Numerous international bodies, besides Governments and national Parliaments, mass media, non-governmental organizations, universities and other institutions, as well as the general public, have expressed their indignation at and condemnation of the 12 November bloodshed, demanding that an objective and impartial investigation into the circumstances surrounding it be undertaken; that those responsible for it be duly punished; that measures be taken in favour of the victims; and that such violence be prevented in the future. The European Parliament, the European Community and its member States, the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, the Assembly of the Western European Union, the Nordic Council, the five Portuguese-speaking African countries and the Socialist International are among those bodies that have voiced their strong rejection of the brutality with which the Indonesian military dealt with the East Timorese.

Debates have taken place in several Parliaments, leading to the adoption of resolutions regarding East Timor. In the United States Congress each Chamber adopted a resolution in late November. The House of Representatives recently passed legislation aiming at terminating military cooperation with

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Indonesia, and on 14 May a Bill was introduced in the same House that would terminate all bilateral assistance to Indonesia, suspend the Generalized System of Preference benefits for Indonesian products in the United States and require the United States representative to the World Bank to oppose any loan to Indonesia. This termination of aid would remain in effect until the President certified that Indonesia had withdrawn its troops from East Timor and allowed a United Nations-supervised referendum for East Timorese self-determination, and that international monitors had reported the cessation of human-rights violations.

The attention given to this problem by many of the most prestigious world media organizations was also quite unprecedented, echoing the widespread outcry of protest sparked by the atrocity, denouncing the continuing pattern of human-rights violations in East Timor and calling attention to their underlying political causes.

The European Community and its member States have issued three formal declarations on the Dili events - on 13 November and 3 December 1991 and on 13 February this year. They vehemently condemned the violence and urged the Indonesian authorities to refrain immediately from using violence and to bring to trial the members of the armed forces and police responsible for it. They supported demands for a thorough and credible investigation by impartial and independent experts, calling upon the Indonesian authorities to respond to the serious concern expressed by the international community.

The Santa Cruz slaughter came at a time when the European Community had adopted, at its highest level, important instruments stressing the paramount importance it attaches to full respect for human rights, such as the

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declaration of the European Council in Luxembourg on 26 June 1991 and the resolution on human rights, democracy and development adopted by the Development Council on 28 November 1991, establishing a clear and unequivocal link between human-rights policy and cooperation for development policy in its relationship with third countries.

It was thus not surprising that in their 3 December declaration the Twelve said that they would review cooperation between the European Community and Indonesia, in the light of the response by the Indonesian authorities to the calls made and the concerns expressed over the situation in East Timor, calls and concerns which were to be renewed in their 13 February statement.

As a member of the European Community, Portugal took an active role in defining those principles and guidelines, which deserve our full support, and will see to it that they are enforced in an objective and coherent manner.

On the very day of the Dili massacre Portugal expressed its strongest condemnation of the indiscriminate killing of defenceless civilians at the Santa Cruz cemetery. We added that only an impartial, thorough and internationally supervised investigation could lead to a complete explanation of the circumstances surrounding it.

My country has for many years been calling the international community's attention to the intolerable human-rights situation prevailing in East Timor, the result of the widespread war, repression, famine and disease that followed the illegal invasion of that Territory in late 1975.

The Santa Cruz massacre was yet another tragic episode in the long list of human-rights abuses against the people of East Timor. But it was the first to be witnessed by foreign journalists and the first to be filmed. It was

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thus not possible for the Indonesian authorities to deny its occurrence and to qualify as "slander" and "lies" the charges brought against them, as they have done in the past.

The appalling precedents drove us to state that, beyond their illegitimacy deriving from the fact of Indonesia's being an illegal occupier of the Territory, the investigation and the proposed complementary measures to be taken by the Indonesian authorities lacked the necessary credibility and impartiality, especially since statements made immediately by high military commanders, such as the one I have quoted, were intended to justify, shamelessly, the abhorrent behaviour of their subordinates. The course of events has unfortunately reinforced our assessment and the stance we have adopted.

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Indonesia, a member of the United Nations Commission on Human Rights, took an active part in the negotiation leading to the consensus statement adopted on 4 March by that body on the human rights situation in East Timor. In subscribing expressly to that statement, the Indonesia Government was bound, political and morally, to the following:

First, it recognized the seriousness of the human rights situation in East Timor and strongly deplored the violent incident in Dili committed by its own armed forces on 12 November 1991.

Second, it accepted the need to undertake a further investigation into the action of its security personnel - thus implying that the version of the events which had already been submitted preliminarily by the National Commission of Inquiry was not considered sufficient - and into the fate of those unaccounted for and into the number of people actually killed.

Third, it accepted the necessity of bringing to trial and punishing all the members of its armed forces found responsible for the violence. Morevoer, it committed itself to ensuring that all civilians arrested on that occasion were treated humanely, that all those brought to trial were assured of proper legal representation and fair trial, and that those not involved in violence activities were released without delay.

Fourth, it subscribed to the appeal addressed to the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor. In doing so, Indonesia recognized the political nature of the underlying causes of the human rights situation in East Timor as well as its international dimension.

Fifth, it accepted the need to take action in order to improve human rights observance in the Territory and to take the necessary steps to implement the recommendations formulated by the Human Rights Commission's

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Special Rapporteur on Torture, Professor Kooijmans, in the report of the visit made by him to Indonesia and to East Timor in November 1991.

Sixth, it permitted facilitated access to the Territory for additional humanitarian organizations and for human rights organizations hitherto totally banned from it.

Seventh, it requested the Secretary-General to continue to follow closely the human rights situation in East Timor and to keep the Commission informed in writing at its next session, in accordance with an additional text subscribed to together with the Portuguese delegation.

The compliance of Indonesia with all these provisions constitutes a decisive test of its good faith and credibility before the international community. A brief analysis of the way in which the Jakarta authorities have been proceeding regarding this matter leads us to the following conclusions and observations.

First, in spite of the official deploring of the Santa Cruz violence, recent statements voiced by such military authorities as Generals Mantiri and Syafei - the most immediately responsible commanders of the Indonesian armed forces in East Timor - continue to justify openly the action taken by the military. General Syafei told journalists that if he had been in charge of East Timor at the time of the incident the number of victims would probably have been higher. General Mantiri, in an interview published recently in Editor, an Indonesian magazine, said:

"We don't regret anything. What happened was quite proper ...".

In view of these pronouncements, we can ask ourselves legitimately about the significance of the condolences conveyed to the East Timorese and about the qualification of the killing as a "tragic event" that should not be repeated. On the contrary, those military authorities - not disavowed by the

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Indonesian Government, as far as we know - showed that the barbaric repression of the demonstration staged by the civilians was mere enforcement of a normal procedure deemed appropriate under the circumstances. What went wrong derived solely, it seems, from the fact of its having been this time - unexpectedly - witnessed, filmed and reported by foreign journalists.

Secondly, the final report of the National Commission of Inquiry failed to meet what the Human Rights Commission urged concerning a further investigation into the action of the security personnel involved in the incident. Curiously enough, while the report indicated that security personnel "without command" and "another group of unorganized security personnel, acting outside any control or command" were the direct perpetrators of the shooting, General Syafei, answering a reporter's question whether troops had acted without orders, said:

> "In the Indonesian armed forces, anything that is done by the troops is the responsibility of the officers. There were no unruly elements involved in the [12 November] incident." (Tempo, 22 February 1992)

Regarding the number of people killed - and taking into account testimony pointing to a much higher figure than what had been officially announced - nothing new has been disclosed. The names of the victims are not known and the corpses were neither identified nor handed over to the families. Concerning those unaccounted for - the official figure was 90 - it was recently revealed that their number had now decreased to 66. General Syafei said on 20 July, referring to them, that "the best would be that these people were already dead".

Thirdly, as for the disciplining and trial of the military involved and dealing with the civilians arrested in the aftermath - including those detained in Jakarta after the 19 November protest demonstration - we have been

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witness to a real farce, with results that would be grotesque if it were not for the human tragedy they entail, representing a serious provocation to the international community. The survivors of the killing indicted for non-violent activities and those involved in the Jakarta demonstration should be released without delay, according to the consensus statement of the Human Rights Commission, but have been sentenced to heavy prison terms. Gregorio Cunha Saldanha was sentenced to life imprisonment. Francisco Miranda Branco was given 15 years. Two others, Fernando Araujo and Joao Freitas Camara, were sentenced to 9 and 10 years in prison respectively. All this fell under the provisions of the Anti-Subversion Law, whose repeal was requested by the Commission's Special Rapporteur on Torture in his recommendations, accepted by Indonesia. Other detainees were sentenced under the Code of Criminal Conduct to prison terms of up to six years.

On the other hand, the military - low-ranking officers and privates - were court-martialled and given sentences of between 8 and 18 months inprisonment, not for the killings but for such disciplinary offences as disobeying orders or failing to be obeyed. This reveals cynicism and a total lack of good faith.

Fourthly, although Indonesia has agreed to improve the human rights situation in East Timor, this has not been translated into effective action. General Syafei tells us why. It is because, he says, his predecessor's policies were too "soft" and so they must be "hardened" in order to deter the "dissidents" and to restore the "credibility" of the armed forces. Absolute military rule was thus restored in East Timor. An atmosphere of fear and tension prevails. Dili is said to look like a city under siege. Brutality is a daily fact of life. House-to-house searches and controls are common.

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The Daily Telegraph, in its 28 February edition, reported, quoting an unidentified resident:

> "The soldiers come and beat people up. Many are taken away for questioning and after disappear. The military have killed many in the last few months".

That was the last report made by a foreign journalist in East Timor.

People arrested in Dili in the aftermath of the 12 November demonstration complained to the local church that they had been tortured with burning cigarettes, razor blades and beatings. As General Syafei has said, 7 to 10 fights with resistance guerillas take place every month. On 10 July, in a clash near Ainaro, three guerillas were killed and two arrested.

Indonesia pledged to take the necessary steps to implement the recommendations contained in the report (E/CN.4/1992/17/Add.1) of Mr. Kooijmans, who was visiting East Timor when the killings ocurred and to whom access to the wounded in the hospital was denied on that occasion. He mentions several cases of torture having been inflicted on political prisoners, adding that this was "practised rather routinely", since it is an "area which is deemed to be unstable".

Fifthly, no improvement seems to have been made to facilitate access to East Timor for human rights organizations, which continue to be practically banned from the Territory. Additional facilities that should have been granted to humanitarian organizations are still unknown. The International Red Cross was not allowed to visit the wounded or the detained for several weeks after the massacre. The restrictions affecting access to the Territory are of the utmost gravity. Foreign journalists and tourists have not been permitted into the Territory since March. Indonesian journalists acting as correspondents for foreign media are also barred from entering.

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Two United States Congressmen were denied access in April. This policy constitutes a retrocession to the closing-off practice followed up to January 1989, which had virtually isolated the Territory from the outside world since the Indonesian invasion. The closing-off of the Territory is an ominous sign of the times to come and should be severely and systematically denounced by the international community.

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Sixthly, having rejected an investigation under international supervision, specifically the proposed commission to investigate the facts surrounding the events, as put forward by the former Secretary-General on 12 December last, the Indonesian authorities accepted the mission of Mr. Amos Waco, Special Rapporteur on arbitrary executions of the Commission on Human Rights, as Personal Envoy of the Secretary-General to seek "clarifications" about the dreadful event. Mr. Waco was in Indonesia and East Timor in February, but his report has not yet been released.

We strongly believe, in view of that description, that Indonesia has clearly failed to comply with the provisions of a consensus to which it expressly subscribed. It must be unequivocally confronted with the consequences of going back on its own word and of the resulting lack of credibility. In this context, the sentences handed down to the survivors of the Santa Cruz killings appear as particularly unacceptable. They should be repudiated, and the prisoners should be released without delay, as called for by the consensus statement of the Commission on Human Rights. We look forward to the report to be submitted by the Secretary-General to the next session of the Commission on Human Rights, which will certainly provide essential and thorough information for the consideration of this problem.

As we have often said, the question of East Timor involves three of the most fundamental United Nations principles, which have been determinant in some of the most striking developments that have recently occurred on the international scene. The first is the non-use of force and the illegitimacy of military conquest as an acceptable claim for territorial enlargement; the second is the right of self-determination of colonial peoples; and the third is the observance of basic human rights and fundamental freedoms.

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All these principles have been blatantly violated in East Timor for almost 17 years, the international community being unable or unwilling to uphold them.

The recent developments in the Territory, to which we have referred at length, show that Indonesia is clinging to an acceptable status quo and to the pursuance of a policy that has clearly failed, as recognized even by some sectors in Indonesia. A radical change of policy that would address the underlying causes of the present state of affairs is therefore a necessity, lest new violence occur, causing more innocent victims and human suffering.

My Government, in fulfilment of its responsibilities as the administering Power of the Non-Self-Governing Territory of East Timor recognized by the United Nations, and in conformity with its acceptance of the relevant resolutions of the General Assembly and the Security Council on the question, specifically of General Assembly resolution 37/30, submitted to the Secretary-General on 24 January a proposal to initiate immediately, without preconditions and under the auspices of the Secretary-General, a dialogue on the substance of this problem. The Portuguese proposal was supported by the European Community and its member States, in their declaration of 13 February, to which I have already referred.

Portugal has stated its readiness to participate in a dialogue with Indonesia and all other parties directly concerned aimed at reaching a just, comprehensive and internationally acceptable settlement of this question.

In conformity with Article 73 of the Charter, which recognizes the principle that the interests of the inhabitants of Non-Self-Governing Territories are paramount, and with General Assembly resolution 37/30,

(Mr. Quartin-Santos, Portugal)

Portugal proposed that representatives of the people concerned, who are the main victims of this whole process, be invited to participate in the dialogue. But it should be clearly understood not only that we are open to any acceptable formula allowing that participation to materialize, but also that it is our point of view that all the main political forces of the Territory - including, naturally, those, if any, that are in favour of integration with Indonesia - should be associated with the future proceedings.

Portugal has never recognized any East Timorese political movement as the sole legitimate representative of its people. We maintain, in conformity with the Charter, the historic General Assembly resolutions 1514 (XV) and 1541 (XV) and other relevant United Nations resolutions, that the people of East Timor should be able freely to choose its political future in the exercise of its inalienable rights. We do not want in any way to appear as predetermining or placing conditions on such an option.

Indonesia is exercising effective, though illegitimate, control over the Territory. Its role is therefore decisive in ensuring that the representation of those political views in the proposed dialogue be as large as possible.

We have not indicated any preconditions for the establishment of a dialogue that should be conducive to a settlement the need for which is recognized by all parties and which will have necessarily to be in accordance with the principles of the United Nations Charter and of international law, fully respecting the legitimate rights of the people concerned. We have no claims whatsoever to sovereignty over the Territory and we are open to any settlement that may be acceptable to the people of East Timor.

(Mr. Quartin-Santos, Portugal)

We are of the opinion that a decisive impetus should now be given to this process, and we reiterate here our good will and our readiness to cooperate with the Secretary-General to find an acceptable framework for the start of a dialogue under his auspices.

Today dramatic changes are taking place reshaping the international order. Developments which were, until very recently, not even imaginable in a distant future are occurring before our eyes. The most significant include: the end of the cold war and of East-West confrontation; nations subjugated for a long time recovering their national identity and independence; apartheid being close to its end; artificial States with imperial features undergoing disintegration processes; countries submitted to long-established dictatorships converting themselves into democracies; and the demand for the universal observance of human rights. In this context the question of East Timor appears to us increasingly as an intolerable anachronism, a cold-war legacy that must come to an end.

We hope earnestly that good sense will finally prevail and that Indonesia will recognize that, as recent realities all over the world have been demonstrating, no lasting solutions can be built on the denial to peoples of their freedom.

Mr. NASIER (Indonesia): In the 17 years since the people of East Timor exercised their legitimate right to self-determination by opting for integration with Indonesia, a war of propaganda and disinformation has been waged by the former colonial Power and its surrogates. In order that this distortion of facts, repeated so often, does not take on an air of truth, my delegation finds it necessary to make a statement.

(Mr. Nasier, Indonesia)

The fact is that the people of East Timor proclaimed their decision to integrate with the Republic of Indonesia on 30 November 1975. Votes were cast on 31 May 1976 by the provisional People's Assembly of East Timor, in a public session that was attended by members of the diplomatic corps, and local and international media. A formal request was subsequently delivered to Indonesia on 7 June 1976. The Indonesian Parliament, after being assured that this vote in fact represented the will of the majority of East Timorese, approved the statute of integration on 15 July 1976. Two days later it was signed into law by the President. Just as the people of East Timor had the right to self-determination and independence, so too did they have the right to choose self-determination through integration, in complete accordance with General Assembly resolutions 1514 (XV) and 1541 (XV), in particular Principles Vl, Vlll and IX in resolution 1541 (XV).

If an objective and fair account of the decolonization process in East Timor is to be made, then it must be viewed in its proper historical context, and the events that preceded this decision to gain independence through integration must be known.

In 1974 the Portuguese overthrew a dictatorial regime which only the previous year had been condemned by the General Assembly for its collaboration with racist South Africa and the illegal regime in Southern Rhodesia, as well as for its armed repression of the peoples under its domination, including the brutal massacre of villagers in order to stifle the legitimate aspirations of those peoples to freedom and independence. The new Portuguese Government, however, yielded and proclaimed its intention to decolonize its overseas

(Mr. Nasier, Indonesia)

Territories, including East Timor, which it had formerly considered an overseas province of Portugal.

Indonesia, itself a former colony, welcomed this change of attitude and other positive developments, as we have always supported the right of peoples to self-determination and fought against the atrocity of colonialism. In fact, we had at that time only sought assurances that the process of decolonization of a contiguous Territory would be conducted fairly and that the will of the majority would be respected.

(Mr. Nasier, Indonesia)

During the colonial period there were no established political parties in East Timor, as the people had been so completely denied political and socio-economic development over 450 years of Portuguese rule and no efforts at nation-building had been made. It was only in 1974 that five parties were permitted to organize to facilitate decolonization; four of these parties would later opt for integration. Unfortunately, as in other former Portuguese colonies, the decolonization process was terribly mismanaged. Having brought East Timor to the verge of civil war, and fuelled the chaos by turning over arms and munitions to a radical minority party, the colonial authorities abandoned their responsibility and fled the Territory. In so doing, they abandoned any responsibility as an administering Power.

It should be recalled that Indonesia had requested the United Nations to verify and monitor the situation and had offered to create a four-nation commission, consisting of Portugal, Australia, Indonesia and Malaysia, to restore order to the colony, and that these efforts were rejected by Portugal. Indonesia could easily have followed the example of Portugal and turned its back on East Timor, leaving its people to the prolonged civil strife that other former Portuguese colonies experienced.

However, the carnage that Portugal's abandonment had wrought, along with the instability and the majority decision to integrate, demanded that we accept East Timor into the Republic. I will not delve into every historical fact of this event. The Committee's valuable time has already been consumed by questionable and obscure petitioners seeking to gain publicity and to obstruct a serious and objective consideration of the decolonization issue. In the interest of time, my delegation will therefore make available along with this statement a copy of the remarks made on 20 February 1992 by the

(Mr. Nasier, Indonesia)

Indonesian Foreign Minister to members of the National Press Club in Washington, D.C., which outlines in greater detail the history of East Timor's decolonization process.

Indonesia is committed to supporting the Secretary-General in seeking an internationally acceptable solution to the so-called question of East Timor. Under the auspices of the Secretary-General we have held a series of meetings with Portugal, only to have Portugal fail to respect and fulfil understandings that were reached. Additionally, Indonesia has undertaken many initiatives to reach a solution, including extending an invitation for a Portuguese parliamentary delegation to visit East Timor. That invitation was accepted, only to be rejected later on the excuse that Indonesia would not accept the credentials of one journalist, which, according to the understanding reached with Portugal, Indonesia had every right to reject. Such is the good will shown by Portugal - its determination to keep alive this non-issue and block all avenues to a solution.

Today those who less than two decades ago had abandoned East Timor to fratricide, and who continue to hinder an internationally acceptable solution, cynically stand as the champions of East Timorese rights and United Nations principles of self-determination. Yet Indonesia is still prepared to continue consultations under the auspices of the Secretary-General, within the terms and modalities previously agreed to by Portugal and Indonesia. We realize, however, that progress can be made only when Portugal's good faith becomes evident.

Since integration, in addition to socio-economic development, East Timor has enjoyed a political stability and freedom unknown to it in the previous four centuries. Political pluralism is evident, and the people of East Timor

(Mr. Nasier, Indonesia)

freely exercise their right to vote for representation in their country's Government. In the general elections held this year, for example, 370,298 votes were cast in East Timor. The majority of these - 305,930 - voted for the ruling Functional Group, known as GOLKAR, 59,077 voted for the Indonesian Democratic Party, and 5,291 voted for the United Development Party; whereas in the previous election, held in April 1987, 360,144 votes were cast, 338,078 of which were for the Functional Group. Clearly, the free expression of political opinion and activity is exercised in East Timor, as it is in all parts of Indonesia. That expression is overwhelmingly in support of participation in Indonesian political life and of the performance of the Indonesian Government.

While I must strongly note that this is not the appropriate forum to discuss questions of human rights, which should be taken up in the Commission on Human Rights, I am constrained by previous comments made to the Committee to turn my remarks in this direction. In particular, I should like to refer to the incidents that occurred in the provincial capital, Dili, on 12 November 1991. A protest turned into a riot, which resulted in injuries and deaths. This has since been held by Portugal and its surrogates as an example of Indonesia's abuse and suppression of the rights of the East Timorese people.

Those who propound this view have repeatedly exaggerated the event, reporting selected accounts and ignoring pertinent facts. They neglect to refer to those who conspired to turn a peaceful demonstration into violence. We do not hear of the "peaceful demonstrators" who stabbed Indonesian security personnel, of the buildings that were stoned or of other belligerent acts designed to raise tensions and provoke a response. And, even though such acts

(Mr. Nasier, Indonesia)

do not justify what occurred later, the absence of reference to them betrays the way in which this incident is being manipulated and capitalized on by those who seek not to promote human rights or the welfare of the East Timorese, but to pursue their own narrow political interests.

The statements of Portugal and its surrogates are designed to arouse emotions and to cloud the issues. Their remarks are not made out of concern for the East Timorese, whom they neglected for 450 years, nor to work towards a solution; they are made to create an adversarial climate in order to prevent an internationally acceptable solution from being reached.

The events of 12 November are indeed tragic and regrettable. They represent the antithesis of Indonesia's national policies, its philosophy and its Constitution, which is why the Indonesian Government reacted swiftly and comprehensively to identify and prosecute those responsible and to implement meaures to ensure such incidents do not occur again. Following 12 November, President Suharto expressed on several public occasions his regrets to the families of those killed, injured or missing, and quickly established a National Commission of Inquiry (NCI) to investigate the cause and to make recommendations on action to be taken. The Commission concluded, inter alia, that the incident was the culmination of a series of earlier anti-integration demonstrations; that the demonstration showed elements of premeditated provocation and was not an orderly and peaceful procession; that the acts of a number of security personnel did exceed acceptable norms and led to casualties; and that those acts were clearly not ordered by, nor did they reflect, the policy of the Government of Indonesia or the armed forces. Furthermore, it recommended that those responsible should be prosecuted in accordance with Indonesian law.

(Mr. Nasier, Indonesia)

Upon instruction of President Suharto, the Army Chief of Staff then established a Military Honour Council (MHC) to evaluate the conduct of, and action taken by, military officers, and to ensure that such an incident does not happen again. The Commission on Human Rights during its forty-eighth session welcomed the prompt response of the Indonesian Government and the setting up of both the National Commission of Inquiry and the Military Honour Council.

(Mr. Nasier, Indonesia)

Contrary to disingenuous statements that little has been disclosed on the disciplinary and investigative action against those in the military who were responsible, the findings of the MHC were announced several months ago, on 27 February 1992. The MHC recommended that some military officers should be dismissed and brought to trial. Ten military personnel were subsequently brought before a military court, charged with committing grave infringements of military ethics and violating military discipline in particular, disobeying orders. They have been found guilty.

In the meantime, several civilian perpetrators have been prosecuted for their role in instigating the riot and subversive acts. The charges range from committing subversive criminal acts under Law No. 11/PNS/1963 and also under the 1981 Penal Law, and Crimes against Public Order under Part V of the Penal Law - in particular, Article 154. Far from being mere peaceful demonstrators, these defendants conspired in an effort to overthrow the legitimate governmental authority, an act which carries stiff penalties in most civilized countries. Clandestine meetings were held in the weeks prior to the demonstration to orchestrate a riot on the occasion of a visit to East Timor by the United Nations Commission on Human Rights Special Rapporteur on Torture, who had been invited to the province by the Government of Indonesia.

There are some who, with prejudged attitudes, choose to ignore the facts and who rely on innuendo, unsubstantiated reports and obviously biased statements. The attempts by Portugal and others to ignore or distort the merits of these trials, and to manipulate and misrepresent the judicial outcome by making superficial comparisons between military and civilian proceedings is indicative of their strategy to discredit Indonesia.

It should be mentioned that those who the investigation determined were

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not responsible for the violence that ensued were released, in accordance with what was expressed at the Commission on Human Rights. Throughout the legal proceedings due process of law was guaranteed, and the trials were public and closely followed by observers from various embassies, representatives of foreign news agencies, such as AFP, BBC, ABC and Australian Associated, and representatives of the International Commission of Jurists.

Moreover, contrary to earlier statements made by certain petitioners, the Government of Indonesia continues to investigate the fate of missing persons in a sincere effort to reunite families. There were a reported 115 people missing following the incident; as of 28 June 1992, 31 of them had eventually returned home. Government investigators have since found 18 dead and buried. They are continuing to make earnest efforts to locate the 66 remainder of the missing.

What has Portugal done in the aftermath of this incident? It and its satellite groups have taken every opportunity to fan the flames in an effort to return East Timor to the turmoil of 1975. Rather than seeking to alleviate tensions and pursue peaceful dialogue, Portugal has embarked on stunts such as the Lusitania Expresso, hoping to create another incident over which it could express shock and dismay. Interestingly, in its press release on this event Portugal reported

> "As already known, the Portuguese Government is not connected with the voyage of the Lusitania Expresso ... an action of this nature is not consonant with the diplomatic and political steps the Government is taking to defend the legitimate rights of the people of East Timor."

Indeed, such actions are fully consonant with Portugal's behaviour. Less than two weeks after this press release, it was reported that Portugal's national

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oil company had confirmed that it, in addition to several major Portuguese banks with close ties to the Government, was a key financial backer of the voyage.

If human rights are to be universally enhanced and approached in the spirit of cooperation anticipated in the United Nations Charter, then we must reject misrepresentations of human rights abuses and the use of human rights to pursue a political agenda. Indeed, human rights questions are appropriately considered in the social, cultural and humanitarian context in order that they be the ultimate goal, and not manipulated for narrow political interests. And if we are to resolve this so-called question of East Timor, it must be with the good faith and honesty of the concerned parties, and not through duplicity.

In conclusion, although an overwhelming majority of the international community has long ceased to regard East Timor as an issue, the former colonizer and subjugator has contrived to keep it on the agenda of the United Nations decolonization Committee in order to accord credibility to its pretensions as an administering Power, a position it recklessly abandoned in 1975. The question is: where do we go from here? Indonesia, for its part, is committed to continuing its dialogue under the auspices of the Secretary-General and to finding a comprehensive and internationally acceptable solution. In stark contrast, Portugal attaches preconditions to resuming the dialogue; the same preconditions as Indonesia had already rejected before the previous dialogue. We suggest that the historical process and the geopolitical, cultural and socio-economic realities pertinent to East Timor be assessed objectively. Then it might be understood that decolonization did take place and that the East Timorese people will not surrender their sovereign status as the 27th province of Indonesia.

The CHAIRMAN: I shall now call on those representatives who wish to speak in exercise of the right of reply.

Mr. QUARTIN-SANTOS (Portugal): I should like to comment very briefly on certain remarks made by the representative of Indonesia.

Exchanges over past events, some of them going back to 1974 and 1975, and even before the decolonization process in East Timor, do not bear on the real problem before us: the need to complete the decolonization process and to uphold the rights of the East Timorese. That is a problem currently before this Committee and the United Nations.

My first comment relates to the statement by our colleague that the question is due to mismanagement by Portugal in the decolonization process back in 1975. In fact, I was at the United Nations at the time, in the Fourth Committee, and I recall that on 3 December 1975, four days before the invasion, a draft resolution was introduced in that Committee. The draft resolution, one of whose sponsors was the Indonesian delegation, praised the efforts of Portugal, as administering Power, to carry out the decolonization of East Timor. There has really been quite a swift change of opinion about our action and our endeavours to complete this process.

Secondly, we reject very firmly the suggestion that the Portuguese Administration abandoned East Timor. In fact, the Portuguese Administration, the Governor and even two warships were present in East Timor up to the very day of the Indonesian invasion on 7 December 1975. Portugal has never abandoned the Territory or ceased its efforts to carry out the decolonization process and to fulfil its responsibilities concerning the Territory.

Thirdly, I think it is pointless to repeat what we have already said about the suspension of the visit by the parliamentary delegation to East Timor.

(Mr. Quartin-Santos, Portugal)

I merely add that we firmly maintain that Indonesia raised an objection to a journalist who was invited by the Portuguese side, in a way that was not in accordance with what both sides had agreed. Moreover, this was the culmination of a series of actions that were not in conformity with the agreement, especially with its basic principles regarding freedom of movement and contacts.

I should also like to refer to the Lusitania Expresso episode. Both sides' positions were made known before the United Nations. We strongly deny that the Portuguese Government was a co-sponsor of that episode, or that Portuguese companies - such as the national oil company referred to by the representative of Indonesia - were in any way key providers of funds for the Lusitania Expresso episode. As we said in our press release, Portuguese citizens and institutions and corporations, whether privately or State-owned, are free to take whatever action they deem appropriate according to the law, and the Portuguese Government cannot interfere in their actions and initiatives, since we are a democratic country.

I also strongly reject as totally unfounded, and I would say even ridiculous, the accusation that Portugal or its so-called surrogates - I do not know what our colleague had in mind in referring to Portuguese surrogates - were in any way behind or involved with the dreadful and tragic events that occurred in East Timor in October and November 1991.

I reiterate that our readiness to engage in dialogue with Indonesia relates to dialogue without preconditions. We are open to any solution, any settlement, that can have the agreement and support of the East Timorese people, because they are the people mainly involved in this process. They are the colonial people concerned, and, according to Article 73 of the Charter,

(Mr. Quartin-Santos, Portugal)

their views and interests are paramount in a process that affects them centrally, as the victims of what has been going on for all these years in the Territory.

Mr. NASIER (Indonesia): My delegation has nothing to say about the statement made in exercise of the right of reply by our colleague from the Portuguese delegation. However, as I mentioned in my statement, any delegation wishing to obtain a clear picture of what has been going on during the decolonization process should refer to the remarks made on 20 February 1992 by Foreign Minister Ali Alatas to members of the National Press Club in Washington, which give in greater detail the history of East Timor's decolonization process. We hope that with this material our colleague will have a clearer picture of the decolonization process.

The CHAIRMAN: As there are no more speakers, may I take it that the Committee decides to continue consideration of the item at its next session, subject to any directives which the General Assembly might give in that connection at its forty-seventh session?

It was so decided.

QUESTION OF GIBRALTAR (A/AC.109/1116)

The CHAIRMAN: The Committee has before it a working paper prepared by the secretariat, contained in document A/AC.109/1116.

I wish to inform members that the delegation of Spain has indicated its wish to participate in the Committee's consideration of this question. In accordance with established practice, if I hear no objection, I shall take it that the Committee accedes to that request.

It was so decided.

At the invitation of the Chairman, Mr. Fernandez-Pita (Spain) and members of his delegation took a place at the Committee table.

The CHAIRMAN: In connection with the consideration of this item, I wish to inform the Committee that the Chief Minister of Gibraltar, the Honourable Joe Bossano, has expressed the wish to make a statement. Subject to members' consent and in accordance with standing procedure, I suggest that the Committee invite him to make a statement.

It was so decided.

At the invitation of the Chairman, Mr. Joe Bossano, Chief Minister of Gibraltar, took a place at the Committee table.

The CHAIRMAN: I now call on the Chief Minister of Gibraltar.

Mr. BOSSANO: I should like to express my appreciation to the Committee for agreeing to give me this opportunity. I do not have a prepared text for my statement. Therefore, I hope that the speed at which I speak will enable the interpreters adequately to transmit the message to all the members of the Committee in their respective languages.

It is also my first visit to the United Nations, and therefore I hope that the Committee will bear with me if I make any mistakes.

Gibraltar has been absent from putting its views directly to this Committee for a quarter of a century. In that period many changes have taken place in the world, in Gibraltar itself, and of course in our neighbour, the Kingdom of Spain. I should like first to give an indication of my own background as a way of helping the Committee understand that the question of decolonization may be perceived differently by Gibraltarians today.

I am Socialist. I have been a member of the Gibraltar Parliament in opposition for 16 years, and I have been the leader of the trade union

(Mr. Bossano)

movement in Gibraltar for 14 of those 16 years. Gibraltar has a very strong, well-organized trade-union movement. I know this because I helped to organize it. It also has very old labour traditions. The Socialist Party won the elections of 1988, as the Committee knows from the paper produced for it by the Secretariat, with 58 per cent of the popular vote, and was re-elected in January this year with 73 per cent of the popular vote. In our first term of office, we concentrated as a Government on investing in infrastructure and in developments to enable our economy to have a sustainable and secure base for the future.

(Mr. Bossano)

In doing this, of course, we are faced with a problem which is not unique to us. It is the same problem which many of the countries represented in this Committee have to face in adjusting to a market economy and to a world capitalist system where we can survive only by being competitive.

Gibraltar was a very different place 25 years ago. Virtually three quarters of its national income was then derived from military expenditure and aid from the United Kingdom. Today the military contribution to the economy of Gibraltar, in terms of the United Kingdom's defence budget, is a mere 15 per cent, and declining. I think it is pertinent to point out as well that, since we were elected in 1988, no further allocation of aid has been granted to Gibraltar by the United Kingdom, nor have we asked for it. But it is of course important that when the Committee of 24 is periodically informed of the achievements, developments and progress in the social, political and economic development of my people, it should know that this is being achieved with our money, by our efforts, and through our own hard work.

We believe that, in looking at the position of Gibraltar in the context of the International Decade for the Eradication of Colonialism, the Committee must do so in the context of what is happening in the world around us. Therefore, in asking for this opportunity to address the Committee, after a very long absence, I want to draw attention to one particular area which we consider to be of vital importance and where we have become very clear in our own minds - the Government's and the people's - about what our fundamental and inalienable rights are. I should like to draw the attention of members of the Committee to a number of points which we believe make our analysis self-evident.

(Mr. Bossano)

In doing this analysis, I am particularly encouraged by the interview in the booklet Objective Justice, in which your predecessor, Mr. Chairman, on pages 30 and 31, draws attention to the right of self-determination and the right to independence of those remaining 18 Territories which come under the jurisdiction of this Committee and for whose welfare it is responsible. Of course, Gibraltar is one of those 18 Territories, and there is no indication here that any qualification was attached to Gibraltar making it any different from the other 17.

Your predecessor, Sir, said on page 31 that when it came to supporting the principles embodied in the Charter and the Declaration on decolonization, such factors as a Territory's size, number of inhabitants or limited resources should not prevent the people from exercising its inalienable right to self-determination. We believe that describes Gibraltar. He went on to say that, to that end the members of the Committee of 24 must continue to listen attentively to the wishes of the peoples of the Territories and study their concerns, as each Territory has its own characteristics and particular concerns. I believe that can be adequately done only by listening directly to us, and not simply having our views, wishes and concerns transmitted to the Committee via the administering Power. This is an important reason for being here.

He also said - and I believe that this is of particular importance to us - that it appears that, nowadays, nobody questions the right of the peoples of the Non-Self-Governing Territories to self-determination. Therefore, I am trying to demonstrate that there can be absolutely no doubt about my having such a right as an individual Gibraltarian or about the rest of my fellow citizens who elected me to speak on their behalf also having that right.

(Mr. Bossano)

I also draw attention, in support of this view, to the International Covenant on Economic, Social and Cultural Rights (resolution 2200 A (XXI)), which in Article 1 says that all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. That Convention was extended in 1976 to the Non-Self-Governing Territories, including Gibraltar, without qualification, and signed both by the administering Power and the Kingdom of Spain.

There is also General Assembly resolution 2625 (XXV) of 24 October 1970, which I believe extended the avenues open to the exercise of the right of self-determination beyond the three possibilities envisaged in resolution 1514 (XV) by suggesting the possibility of a fourth mode, not specified, but clearly requiring that it be the emergence into any other political status freely determined by a people.

That resolution went on to make it clear that the right of self-determination should not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of a sovereign and independent State. We know that this has been one of the bones of contention for the last 25 years when it comes to the decolonization of Gibraltar. But I put it to you, Sir, and to the Committee that, if it is argued that there is a possible conflict between the exercise of the right of self-determination and the question of the territorial integrity of the Kingdom of Spain, it must be because the right of self-determination exists. It is an admission that it exists, and it is how it is exercised that may create a conflict or a problem. If there is no such right, there can be no such problem.

(Mr. Bossano)

In addition, in its resolution 2734 (XXV) of 16 December 1970 the General Assembly made it clear that in the event of a conflict between the obligations of Member States under the Charter of the United Nations and their obligations under any other international agreement, their obligations under the Charter should prevail. I draw attention to that resolution because it has been suggested on occasion that the existence of the Treaty of Utrecht of 1713 precludes the applicability of the right of self-determination to the people of Gibraltar. I think what I have just quoted clearly shows that if there is such a conflict, which we do not accept, then the Charter prevails over the 1713 Treaty - as it should, because of course in 1713 it was not just the people of Gibraltar who had no rights; three quarters of the planet did not have any rights in 1713.

Therefore, the position that we are convinced is the correct position - and the position we are convinced is necessarily the view of this Committee and of the international community - is that in the case of Gibraltar there is the same right to self-determination as there is in the case of any other Non-Self-Governing Territory with whose welfare the Committee is concerned, as mandated by the General Assembly.

But that does not make the fact that there are different views as to how that right can be exercised disappear. That has to be recognized and addressed. In addressing it, I would draw the attention of members of the Committee to the working paper before them (A/AC.109/1116), in which the address of His Majesty Don Juan Carlos I, King of Spain, on 7 October 1991 is quoted. His Majesty told the United Nations that he hoped the negotiating process under way would be effective in achieving a solution in harmony with the times in which we live.

(Mr. Bossano)

I was interviewed by the Spanish media for a reaction to that statement, and I publicly welcomed it, because I have no doubts about the times in which we live. Fortunately for the human race, we live in a time when the principle of democracy, the principle of freedom, the principle of choice and the concept of self-determination are more widely accepted than ever before in the history of the United Nations and of this Committee. Thus, I interpreted the words of wisdom of His Majesty as a recognition that, however we resolve the decolonization of Gibraltar, it necessarily has to be by taking into account the right of the people of Gibraltar to determine their own political future.

This brings me to state, having explained how strongly we feel about self-determination, why my Government, since 1988, when it was elected for the first time, has not participated in the Brussels process, which is the subject of the resolution adopted last year and of the draft resolution sponsored by the administering Power and the Kingdom of Spain which is before the Committee this year.

I feel it is right that I should have this opportunity to explain our position, because it is not a position born of hostility towards Spain or of any desire to hinder the process. In 1988 the Brussels declaration of 1984 was tested for the first time in a general election. It was an agreement reached after the 1984 general election without the people having been given the opportunity to express a view. My party fought the 1988 election on a platform of self-determination, and won decisively, as it did again in January this year.

(Mr. Bossano)

What are we saying, then? We are saying that nobody in this Committee can tell me with his hand on his heart that he honestly believes that the process of decolonization is being conducted properly in a bilateral process where I am supposed to be representing the colonial Power. It would certainly be quite an innovation if the Committee of 24 believed that. And that is what the process presumes; it is a process where there are two parties who are asked to meet to resolve their differences, and the Chief Minister of Gibraltar is invited to form part of the delegation of the administering Power, presumably to try and resolve whatever differences the administering Power may have with Spain. But what he cannot do is talk about the differences he may have with the administering Power or with Spain.

I think we have to accept that if there is any meaning to democracy, if I am going to be participating in a process - which I would welcome the opportunity to do - I have to do it on the basis that the views I wish to put forward may on occasion coincide with those of Spain, may on occasion coincide with those of the United Kingdom, and may on occasion not coincide with either of them.

In saying this, I am not asking that this Committee, having heard me, should adopt a draft resolution different from the one that has been submitted to it, as a consensus, by the administering Power and the Kingdom of Spain, or that it should amend it in any way. I say this in total honesty, and I am sure members will understand that I have no desire to upset either London or Madrid. Each of them outnumbers me a thousand to one, and I would be very unwise to go out of my way to take on Goliaths of that size.

(Mr. Bossano)

But if my words make sense, if I have been able to demonstrate to this Committee that this is not the Gibraltarians being obstructive or negative, but that we have powerful, potent, rational arguments of the kind the Committee applies in every other colony, that we are a colonial people and feel like a colonial people and that we have a right to speak our mind, then the Committee can help us. I am not asking the Committee to help by changing anything at this stage, in a way which would upset anybody. But all the members of the Committee of 24 must have many opportunities to use their influence with both the administering Power and the Kingdom of Spain - in the corridors, unofficially - to put across the kind of message I have put to the Committee.

(Mr. Bossano)

It may then be possible at a future meeting to have before the Committee a consensus draft resolution supported by both sides which begins to introduce the missing ingredient, if a permanent solution is to be found to the problem of the decolonization of Gibraltar.

I believe the effort should be made to convince the Kingdom of Spain that its views, its claim, its approach, need not be weakened in any way by simply recognizing that we have a right to an independent voice, but that there is a problem when we seek to express it, and that the problem needs to be addressed. That is the dialogue we are looking for.

We had high hopes in 1988, even outside the context of this Committee, of being able to engage in such a dialogue with the governing party in Spain, as fellow Socialists. For the first time there was a Socialist Government in Gibraltar. It took us a very long time to get there, almost as long as it took Spain. Unfortunately, those high hopes were not fulfilled.

Members of the Committee, with their long experience of international affairs, may not be as shocked as I was to find that when it comes to matters of State philosophy and ideology are sometimes put in the bottom drawer and forgotten. It was a disappointment for us. We had the experience, which is very difficult for our people to understand, of not being able, for example, to gain membership of Socialist International, because of the opposition of the Spanish Socialists. We also have difficulty understanding what the Treaty of Utrecht of 1713 contains that is relevant to Socialist International.

Therefore, in bringing my contribution to a close, in making the Committee, I hope, better understand the feelings and aspirations of my people and in looking for the Committee's comprehension and assistance in finding a way forward, I know that I am talking a language that must be familiar to members. I have no axe to grind other than the welfare, security and

(Mr. Bossano)

political future of my people. My loyalty is to them, and to them alone. They put me in office and they remove me when they get fed up with me.

I believe that any questions members of the Committee may want to put about Gibraltar, its aspirations and its philosophy are better put to me than to the administering Power. I should be happy to deal with such questions today or at any time any member might feel the wish to be better informed about the situation in the Territory. We must look to the Committee not as a partisan body that exists to protect the national interests of the Kingdom of Spain or of the United Kingdom, but as a body that exists to protect the welfare of the inhabitants of the colony.

I welcome the fact that the representative of the Kingdom of Spain will address the Committee. He may not have very nice things to say about me, but I hope that he will be nice to me. Even if he is not, I welcome his addressing the Committee, because it will be the first occasion since I was elected in 1988 that a representative of the Government of Gibraltar and a representative of the Government of the Kingdom of Spain have been in the same room without the representative of the Government of the Kingdom of Spain feeling a need to leave immediately, as though we had some contagious illness. At least the first point of contact will have been achieved. If nothing else, I hope that we may look upon that as an auspicious augury of better understanding with our neighbours in Spain, with whom we hope to be able to resolve our differences.

The CHAIRMAN: On behalf of the Committee, I thank the Chief Minister for this privilege, this rare opportunity, in which he has provided important information to the Committee. If no member of the Committee wishes to make any comments or ask questions, he may now withdraw.

Mr. Bossano withdrew.

The CHAIRMAN: I now call on the representative of Spain.

Mr. FERNANDEZ PITA (Spain) (interpretation from Spanish): My delegation would like at the outset to thank you, Sir, and the other members of the Committee for allowing it to take part in these discussions. We are also grateful to the Secretariat for having prepared the working paper (A/AC.109/1116) on the issue before us, which reflects my Government's views. They are well known to the Committee, the body that drew up the United Nations doctrine on the issue.

As everyone knows, the Government of Spain and the Government of the United Kingdom are engaged in bilateral negotiations to resolve the Gibraltar dispute. They provide the framework for dealing with all outstanding issues on the basis of the consensus resolution annually adopted by the General Assembly at successive sessions.

We followed with the keenest interest the statement made here today, given the importance my country attaches to the question of Gibraltar. Obviously, I shall faithfully report on it to my Government.

On behalf of my Government, I wish to express a reservation concerning Spain's position with regard to certain assertions that have been made in the Committee today. We reserve the right to put before the Comittee, in due course and in accordance with instructions received, any clarifications and other matters that may be appropriate.

The CHAIRMAN: As there are no further speakers on this item, and taking into account the related developments, I suggest that the Committee continue consideration of the question at its next session, subject to any directives that the General Assembly may wish to give at its forty-seventh

(The Chairman)

session, and that, so as to facilitate the Fourth Committee's consideration of the item, the Committee transmit to the Assembly all the related documentation.

It was so decided.

QUESTION OF NEW CALEDONIA (A/AC.109/1120)

The CHAIRMAN: I wish to inform members that I have received a request from the delegation of Solomon Islands, Chairman of the South Pacific Forum, to be permitted to take part in the proceedings relating to New Caledonia. In accordance with established practice and if I hear no objection, I shall take it that the Committee accedes to that request.

It was so decided.

At the invitation of the Chairman, the delegation of Solomon Islands took a place at the Committee table.

The CHAIRMAN: I wish to inform members that the working paper (A/AC.109/1120) prepared by the Secretariat on the item will be issued tomorrow. However, since time is short and as the Committee needs to make use of the time allocated to it, I suggest that the Committee hear petitioners on the item. In that respect, members will recall that at its 1403rd and 1406th meetings, on 22 July and today, the Committee granted requests for hearing relating to this item.

At the invitation of the Chairman, Mr. Paul Robel (Independent Commission of Inquiry on the Situation in New Caledonia) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Robel.

Mr. ROBEL (Independent Commission of Inquiry on the Situation in New Caledonia) (interpretation from French): I should like to thank the Committee for kindly agreeing to hear this petition on New Caledonia. This is the first time that I have come here, and I feel greatly honoured that the members of the Committee have received me.

Our Independent Commission of Inquiry came into being in May 1991 at the request of Mr. Yann Celene Uregei, whom I did not know personally before I went to the Territory to report on the conclusions of the Commission of Inquiry once they had been formulated. The Commission was composed of persons who have no connection with the political life of the Territory: two lawyers, including Yves Dechezelles, who was one of the great defenders of the Algerian militants during the war in Algeria which led to the independence of that country; an agronomical researcher; and two doctors, including myself.

We worked and produced our conclusions quite independently, on the basis of public documents and facts that can be checked by anyone acting in good faith, which no one has thus far challenged. All our work was strictly voluntary, and all of it, including my trip here to New York was financed through the sales of a brochure publishing the report and the conclusions of our work. I say this to make it clear that the work is non-partisan and that its only goal is to bring to light the truth of the situation in New Caledonia and to serve democracy.

Our Commission of Inquiry sought to answer five questions, concerning which the representative of the French Republic's High Commissioner at

(Mr. Robel)

Noumea - without, of course, agreeing with the conclusions - did recognize that they were essential questions.

The first question: Is New Caledonia a colony, and is the Kanak people a colonized people? The United Nations has already settled this question by including New Caledonia among the Territories to be decolonized. But our Commission of Inquiry wanted to see the situation from a "French" point of view to answer this question. From the time when France took possession of New Caledonia in 1854, until 1948, when it became an overseas territory, its history is one of a colony in the classical sense of the word. In 1951 the right to vote was given to the Kanak people. That was when the Caledonian Union came into being, with the slogan "Two colours, one people", which sums up its goals. At that time, there was a feeling that there was a peaceful advance towards increased autonomy and possibly independence for the Territory.

That peaceful development, in keeping with the great decolonization movement of the time was broken by the French Government. The Jacquinot act of 1963 returned matters to where they had been before the outline law, with the French State administering the Territory directly. In 1972 the Messmer Government took a decision to promote the massive immigration of French citizens, from metropolitan France but also from other overseas territories, with a view to making the Kanaks a clear minority in their own country, in order to oppose the "indigenous nationalist claim", which could damage the position of France in the South Pacific.

The Commission of Inquiry saw that the French State wanted to perpetuate the colonial status by prohibiting the Kanak people, the legitimate occupant of the Territory, from freely deciding its figure. France bears the responsibility for the change from dialogue to the confrontation which

(Mr. Robel)

followed. Accordingly, the Independent Commission of Inquiry finds that the only truthful response to this first question is "Yes".

The Commission of Inquiry then wanted to answer a second question. In 1979 the Socialist Party, whose first secretary was Francois Mitterrand, the current President of the French Republic, recognized that the Kanak people had the right to self-determination. Did the policies of the successive Governments of Francois Mitterrand respect that commitment? Having undertaken "to guarantee the Kanak people's right freely to decide its future", the Socialist Party and the current President of the Republic came to power. On 12 July 1983, the Declaration of Nainville-les-Roches recognized "the legitimacy of the Kanak people, which was the first occupant of the Territory and, as such, has an innate and active right to independence".

But unfortunately, under the statute proposed shortly thereafter for New Caledonia, the so-called Lemoine statute, the electorate eligible to take a decision on the future of the Territory was expanded to include all the inhabitants of the Territory. The consequence, as you know, was the breaking off of the dialogue, the creation of FLNKS and the uprising of the Kanak people, beginning in 1984 and marked by grievous and tragic events that culminated in the Ouvea massacre. These facts clearly show that the only possible answer to the second question is "No".

The Commission of Inquiry next sought to answer a third question: was the signing of the Matignon Agreement the result of a decision freely taken by the Kanak people or by its most representative organization, FLNKS? The answer to this question was of great moral importance to us. The fact was that blood had been shed, the Kanak people had its dead to mourn, and if it had freely decided to sign that agreement, we would have had no moral right to criticize that decision. Studying the events day by day as they appear in

(Mr. Robel)

public statements and news-service reports, it can be clearly seen that the preliminary agreement of 26 June 1988 failed to win ratification at the two successive conventions of FLNKS, the second of which, even sent the Office of the High Commissioner an official letter calling for its revision. And yet the final agreement, known as the Matignon Agreement, was signed at Paris by the representatives of FLNKS. Their essential content, in particular with regard to the essential question of the electorate eligible to vote in the self-determination referendum, was the same as had been previously rejected by the FLNKS. The Commission of Inquiry therefore found that the only answer to this question consistent with the facts was "No".

The fourth question: Does the Matignon Agreement open the way to self-determination for the Kanak people? The projections established by FLNKS when it discussed the preliminary agreement of June showed no doubt about the victory of "No" to independence. On 18 October 1990, Rock Wamitan stated in the Fourth Committee of the United Nations General Assembly that the Matignon Agreement did not open any clear prospect for independence. Since that time, it has been impossible to regard the 1998 reference as anything but a formality that would serve to ratify the "statutory consensus", allowing no place for the demands of the Kanak people, since the definition of the electorate, which had been denounced from the outset, would have the effect of making the Kanak people a minority forever by endorsing the policy of massive immigration began in 1972. The Commission therefore declared the only answer to this question was indisputably "No".

(Mr. Robel)

It has thus been clearly established, on the basis of public documents and facts which can be checked on by anyone acting in good faith, that New Caledonia is still a colony and the Kanak people is still a colonized people, that the commitment of the Socialist Party to allow the Kanak people to exercise its right to self-determination was not kept once the Party came to power, that the signing of the Matignon Agreement was not the result of a free decision by the Kanak people or by FLNKS and that the agreement did not open the way to the exercise of that people's right to decide freely what its future would be.

A fifth question - undoubtedly the most difficult one - remains to be answered. Three years after the signing of the Matignon Agreement, what does the balance sheet of its implement show? The traditional economic and social imbalance in New Caledonia is well known. It is a country with rich land and a rich subsoil, where the great majority of Kanaks are kept out of the economic loop. It is this situation that Michel Rocard, Prime Minister at the time, wanted to respond to by saying that the Matignon Agreement would be successful if it brought "social justice and development for the benefit of all".

I have just seen, upon arriving in New York, the brochure published by the Office of the High Commissioner of the French Republic in New Caledonia, which draws up its own balance sheet of the three years of implementation of that agreement. I see a lot of figures and some nicely produced diagrams, but what are the facts?

If a people is to take control of its own destiny, it must have qualified professionals. The brochure published by the Office of the High Commissioner comments as follows on the policy for training 400 Kanak professionals:

(Mr. Robel)

"Training engineers, doctors and researchers ...". But where are these engineers, these doctors, these researchers? The proportion of Kanak graduates is going steadily down. Certainly, funds have been earmarked for training 400 professionals, but these have resulted only in training courses lasting six months to a year, which produce no professional training but merely prepare candidates to fill posts in the new institutions that were produced by the Matignon Agreement.

Young people who pursue higher education in metropolitan France have no hope of finding suitable jobs in their own country because all the jobs are filled by professionals coming from metropolitan France. To my knowledge, there is only one Kanak doctor, and he practices in France.

What about economic development? The economy of the Territory is increasingly becoming a shopkeeper's economy based on the import trade. In 1991 more than 51 per cent of tax receipts came from customs duties on imports. From 1988 to 1991, since the signing of the Matignon Agreement, the rate of coverage of imports by exports dropped from 104 to 52 per cent. What country could live that way? European small stock-breeders can no longer manage to sell their livestock because the distributors bring in meat from Australia at preferential prices. Industrial production has developed in only one sector, that of building: to build luxury residential buildings in the Noumea enclave, as well as administrative buildings and housing for government workers, in the provinces that were invented by the Matignon Agreement. North of Hienghene, on the east coast, the only road is an unpaved dirt road, whereas on the west coast there is under construction a splendid road leading to the holiday residences of the rich inhabitants of Noumea.

(Mr. Robel)

The brochure published by the Office of the High Commissioner mentions a 24 per cent increase in paid jobs. This is a deception; apart from those created artificially by the administrative apparatus of the provinces, these jobs represent in most cases the establishment of a new legal status - that of a cooperative or a corporation - for jobs that had been performed previously by the same people under customary law.

People call anything at all a "development micro-project" - the purchase of a lawnmower by an individual is one example that I have seen in the Journal Officiel. At the same time, traditional organizations that seriously worked on development projects that would meet the needs of the population have often seen them rejected. "We have prepared 500 projects, and five were accepted", the development manager of a major chiefdom told me. These micro-projects are in fact the laughing-stock of young people. I was told everywhere: "You just invent any old association, any old project, you tinker with it a little bit, and then you booze the rest of the money away."

In the brochure published by the Office of the High Commissioner the only specific achievement in the agricultural sphere was the harvest of 250 tons of coffee in three years, and that coffee has no hope of finding a buyer on the world market, which is in the throes of a recession.

But real development is hampered everywhere by the land question, a painful hangover from colonialism. The best land, from which the Kanaks were dispossessed, is still in the hands of settlers who do nothing with it. Stock-raising serves more to take up the land than to produce anything. The only farm machines I saw working were bulldozers that strip the land by uprooting trees to make room for livestock. We have an ecological disaster in addition to the human disaster.

(Mr. Robel)

The land question is still at the centre of the Kanak people's claims. Far from being resolved in a manner consistent with justice and the abolition of colonialism, the situation has been made worse by the policy of the land organization, the new ADRAF.

On the pretext of redistributing land, ADRAF has been trying to privatize the reservation, which is the collective property of the clan. It is thus endangering the social and cultural foundations of the Kanak people, which exists solely because of its traditional link with the land.

When I was in New Caledonia, I had proof that there was a deliberate policy aimed at provoking conflicts among Kanaks in order to destroy their traditional structures. Following the signing of the Matignon Agreement, a lot of money was spent on the Kanaks, more than they had ever received until now. This money went first to those who became involved in the new institutions, who started receiving sizable salaries, staff housing, cars, entertainment allowances. It then went to their political cronies, as I was told from one end of Grande Terre to the other.

Some of the money goes to young people, through development courses which give them absolutely no training and which often consist of doing absolutely nothing. This money merely corrupts and destroys the foundations of the family. Young people are taught to turn away from the land that nourishes them. Individualism and laziness are encouraged, and alcoholism is increasing.

Church leaders I met are very disturbed about the social and moral consequences of the Matignon Agreement. A leader of the Evangelical Church told me at the end of our conversation: "Don't believe that the Matignon Agreement has brought peace. Yes, it has brought calm, a temporary calm, but not peace."

(Mr. Robel)

And indeed, the essential problems which the Kanak people are facing in their quest for self-determination and whose lack of solution had caused the shift from dialogue to confrontation, far from having seen even the beginnings of a solution, have grown worse, and the very existence of the Kanak people is threatened.

As I said before - and I am going to conclude with this point - in January 1992 I went to New Caledonia to report at length on the work done by the Commission of Inquiry. I covered the whole Territory and went to all the islands; I gathered hundreds of statements and met many important traditional chiefs. I met the Archbishop of Noumea and the President of the Evangelical Church. I talked with many political figures, and I was received by the Office of the High Commissioner. I must say that everything I saw and heard fully confirms the judgement of our Commission of Inquiry, that the attitude of the French Government - the Government of my country - in New Caledonia runs counter to international law, democracy, justice and morality.

Before any further tragic events occur and tear New Caledonia apart, it is time that the Kanak people should be given the elementary right to make a sovereign decision about their future, in forms that they themselves should decide.

The report of our Commission of Inquiry is at your disposal. It contains many essential public documents, and I ask you to have it circulated within the United Nations.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Yann Celene Uregei (Kanak People's Congress) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Uregei.

Mr. UREGEI (Kanak People's Congress) (interpretation from French): Addressing you at this time in the name of the Kanak People's Congress, I should like, first of all, by way of tradition and in the name of the Kanak people, to tell you how delighted and heartened we are to see the first son of Melanesia, the first Melanesian of Papua New Guinea, a country with which we have fraternal ties, holding the important office of Chairman of this Special Committee of 24, a particularly important body that has historically played a significant role in the decolonization efforts of the United Nations. Your competence in this field needs no further proof, since you have already held, with dignity, the Chairmanship of the Fourth Committee, dealing with decolonization, thus proving your will and that of your country to battle against colonialism in all its forms. Being close to you and being familiar with your long-standing devotion to the Kanak cause, I take great personal satisfaction in the confidence the Committee of 24 has placed in you in connection with decolonization problems in the South Pacific region, where France, a colonizing country, still occupies New Caledonia, Tahitian Polynesia and the Wallis and Futuna Islands, three French colonies camouflaged behind the label of overseas territories. On behalf of the People's Congress, allow me to congratulate you and assure you that you will have our closest cooperation. It is the determination of the Kanak people, we reiterate, to achieve immediate national sovereignty for New Caledonia.

Before going to the heart of the matter, allow me, on behalf of my people and myself, to pay tribute to the memory of one who was, like you, an elder brother who took the cause of my country's independence to heart. I am speaking of that towering Melanesian figure, Francis Bugotu, Ambassador of the

(Mr. Uregei)

Solomon Islands to the United Nations, the first Ambassador-at-Large of his country and former Secretary-General of the Commission of the South Pacific - Francis Bugotu, who was snatched away from us so suddenly by death. On behalf of the Kanak people and myself, I wish to express to his wife, his children and the Government of the Solomon Islands our profound gratitude and our most sincere condolences, in the tradition of Melanesian solidarity, while at the same time wishing his successor success in the work begun by Francis Bugotu: the liberation of the Kanak people.

The Independent Commission of Inquiry on the political situation in New Caledonia has submitted its report to the Special Committee in order to inform all the Members of the United Nations of the assessment it makes and the conclusions it draws from its inquiry.

One the basis of public documents and facts that anyone can verify, it has been clearly established that New Caledonia is and remains a colony and the Kanak people is and remains a colonized people; that the commitment of the Socialist Party to allow the Kanak people to exercise its right to self-determination was not kept once that Party had come into power; that the signing of the August 1988 agreement, known as the Matignon Agreement, was not the result of a decision freely taken by the Kanak people; and that that Agreement does not open the way to self-determination for that people concerning its future.

The Commission observes that three years after the signing of the Matignon Agreement, the lack of solutions to the key problems faced by the Kanak people has led to a situation of confrontation, the insurrection of 1984 and the tragedy of Ouvea. Far from having seen even the beginnings of a solution, these problems have grown even worse, and today the unity and the very existence of the Kanak people are threatened.

(Mr. Uregei)

The Independent Commission of Inquiry on the situation in New Caledonia finds that the policy of the French Government in New Caledonia is contrary to democracy, international law, justice and morality.

Let us recall that the history of colonized peoples the world over shows that the right of peoples to self-determination always triumphs in the end.

The Kanak people has been dispossessed of its lands by the French colonial State. Our traditional chiefs enjoy the use of the Kanak reservation and remain strangers in their own country. It would be an insult to talk about development in a place where Kanaks have only the use of their land and where the traditional chief remains a stranger in his own domain.

The Matignon Agreement is aimed, through this barbaric development, at the destruction of the reservation, and thus at the destruction of traditional structures.

Forty-six traditional chiefs living in the eight cultural areas - Hoot Ma Waap, Paici Camuki, Ajie-Aro, Xaracuu, Djubea-Kapone, Drehu, Nengone and Iaai - remain strangers in their ancestral lands. The natural bounty of these Kanak cultural areas belongs to the French colonial State.

The Matignon Agreement was concluded in order to maintain this de facto situation intact and to reinforce the grip of the French colonial State on our land, our natural bounty and our country. The Europe of the twelve countries that will open its borders in 1993 is going to consolidate the Socialist Government's colonial policy of integration and destruction. New Caledonia will thus be integrated into Europe and will be colonized by the twelve member countries of the European Economic Community. Trapped by the Rocard Plan, the Kanak people must once again meet and resist the power of money represented by

(Mr. Uregei)

the European Common Market. That policy of annihilation and strangulation of our people cannot but prompt the Kanak people to boycott the 20 September referendum on Maastricht.

In the light of this negative record, after three years of implementation of the Matignon Agreement, that colonial policy, which made the Kanak people strangers in their own country for the past 139 years of occupation, we have decided to break out of this colonial way of thinking and to base the liberation struggle of our people entirely on tradition. Thus, we have invoked tradition to restore the unity of the Kanak people in a People's Congress beyond the political labels that divide our people and tear it apart.

In the best interests of the colonized Kanak people, we unhesitatingly dissolved the United Front for Kanak Liberation (FULK), even though it was the leading Kanak political party, the first Kanak independence party, the party which wrote the history of my people's struggle for liberation. Political labels must disappear and give way to tradition, but the goal of political independence, which we set for ourselves at the time of FULK's creation, remains.

We have appealed to the entire Kanak people throughout Kanaky to gather in a People's Congress with all our traditional chiefs, who are themselves influenced and divided by political labels.

(Mr. Uregei)

Travelling on the sacred path of tradition, I had the honour of meeting the traditional chiefs from all the cultural areas of Grande Terre and the outlying islands to inform them about the idea of the People's Congress and to invite them, as the traditional landowners of the Kanak country, to participate in that Congress on 24 September 1992, in Lifou, so that we may jointly define a unified strategy against the occupation of their lands. The traditional chiefs welcomed the idea of the Congress and will be present in Lifou on 24 September 1992.

24 September 1992, will mark the one hundred thirty-ninth anniversary of the colonial occupation of New Caledonia. For us Kanaks, that day represents the legalized theft of our country by France, a national day of Kanak mourning, the day when France made the entire Kanak people a stranger in its own country. Faced with this situation of colonial occupation of our country, the People's Congress that is to take place on 24 September 1992 at Kumo, Lifou, will render the verdict of Kanak tradition and the Kanak people.

Kanaks live in the same social conditions as their brothers and sisters of Papua New Guinea, the Solomon Islands and Vanuatu. The only difference is that they remain strangers in their own country. The immediate accession of the Kanak people to national sovereignty remains the solution, because to follow the colonial way of thinking in the context of such institutions as those produced by the Matignon Agreement is to play into the hands of French colonialism and European imperialism. We have seen this for ourselves and are convinced of it.

The People's Congress is a unique opportunity, after the proclamation of the establishment of the Kanak people's authority, to hand down the French tricolor and to raise in its place, following tradition, the flag of Kanaky,

(Mr. Uregei)

symbolizing the fact that the Kanak country at last belongs to tradition and to its people.

The Congress of the Kanak country will, by a traditional ceremony in the presence of all the traditional chiefs from the eight cultural areas, celebrate the restoration of Kanak unity, where the sacred yam identified with the earth will symbolize that traditional ceremony of unity. The People's Congress will proclaim the establishment of the Kanak people's authority in the face of colonial sovereignty. The People's Congress will designate the leader of the Kanak people, its legitimate spokesman in the eyes of the world. The People's Congress will issue its political declaration pointing the way to the future of the Kanak country.

The major themes of this People's Congress will be the restoration of the unity of the Kanak people by the path of tradition, beyond political labels; the immediate independence of New Caledonia; and the blueprint of a society giving power to the people or to direct democracy. The unity that we are calling for is to be built without political parties. Its watchword is "Unity, Tradition, Power to the People, Independence". It is the entity symbolizing the idea of consensus.

The social blueprint is based on our people's system of community life, organized according to tradition. The Kanak people is already living this blueprint. It is therefore perfectly natural to place Kanak independence in the eight cultural areas at the popular level. It abolishes political labels and elections, since the Kanak people alone has the power to decide. It places the people at the heart of the political, economic and social system, where the decision-making power is virtually in the hands of the people, where the authorities are subject to popular management, where elected

(Mr. Uregei)

representatives are replaced by spokesmen, where Kanak identity is restored to its proper place, and where Christian principles and traditional values are taken into account in the process.

In the past I spoke as a petitioner before the Committee of 24 under a political label. Today, I do so in the name of the sacred tradition of my country. I thank you, Sir, for having allowed me to voice before the Committee on decolonization the deepest feelings of my country on behalf of our sacred tradition and the People's Congress. I thank you for having taken into account the message of the People's Congress and for the fact that 24 September 1992 will henceforth be a part of your calendar, so that, when the time comes, you will be able to demonstrate the solidarity of the United Nations with the traditional chiefs, the Kanak people and the People's Congress.

The symbol of tradition you see before you accompanies the message of the People's Congress. It is the soul and the sacred spirit of my country. It is the face of our chiefs and the Kanak people. It is the power with which we are fighting the occupier. It is what being Kanak is all about. It is the Kanak people. The sacred yam that springs from the soil of Iaai, where the 19 Kanaks fell under the bullets of the colonial army as they fought for the independence of Kanaky, is synonymous with man and his land. The Kanak currency, that traditional force linking families, clans and peoples, represents our bond of solidarity.

In the name of tradition and the People's Congress, I take pleasure in conveying this traditional gesture to you as a sign of respect for you personally, Mr. Chairman, and for the members of your Committee on decolonization, in accordance with Kanak tradition.

The CHAIRMAN: Yams are of cultural and economic significance to peoples all over the world, but to the peoples of the Pacific islands, that is where they come from. The yam on the side of this conference table is a traditional gift to the members of the Committee and myself, and I hope that we shall share it this weekend. I thank Mr. Uregei.

The petitioner withdrew.

The CHAIRMAN: The Committee will continue consideration of this item at its next meeting. I appeal to members to be punctual, since we shall be making some decisions with regard to the work of the Committee.

The meeting rose at 1.15 p.m.